



South Coast Air Quality Management District

Engineering & Compliance

*Policies &
Procedures*

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

OFFICE OF STATIONARY SOURCE COMPLIANCE

MEMORANDUM

DATE: January 21, 1998
TO: SSC Managers and AQACS
FROM: Jack Broadbent /s/ Jack
SUBJECT: Applicability of EPA Non-Road Engine Regulation

The purpose of this memo is to clarify the applicability of the EPA non-road engine regulations to permit applications we are now processing, or will process in the future.

The EPA regulations establish emission limits at the point of manufacture and restrict the AQMD authority to establish or enforce emission limits or control technologies for any non-road engine. In other words, the emission limits of Rule 1110.2 and the BACT requirements of Regulation XIII do not apply to non-road engines.

Initially, EPA interpreted the Clean Air Act (CAA) to define non-road engines as those meeting portability criteria and were manufactured on or after July 18, 1994. Subsequently, EPA requested that the part of the regulation on effective date be remanded to EPA for further consideration. Although EPA has yet to establish by rulemaking a new effective date of manufacture, it has been implied that the date of promulgation of the most recent amendment of the CAA, November 5, 1990, would be that date.

As a result, CARB considered engines manufactured on or after November 15, 1990, to qualify as a non-road engine in their statewide regulations as did the AQMD in the Staff Report supporting the November 14, 1997 amendments to Rule 1110.2

Therefore, until EPA promulgates rules to the contrary, internal combustion engines meeting the portable engine definition of Rule 1110.2(c)(8) and were manufactured on or after November 15, 1990, qualify as a non-road engine for the purpose of permitting.

If you have any questions, please call Larry Bowen at x2575.

LB:nv/lb0114
cc: Pat Leyden
Carol Coy